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2 **FACTUAL AND PROCEDURAL HISTORY**

3 The present case arises from a claim by Appellant that Appellee wrongfully acquired
4 a Ford Explorer formerly owned by Appellant. A review of the record reveals that Appellant
5 bought a vehicle in 2012 and soon thereafter the vehicle was wrecked and rendered inoperable.
6 Appellant parked the vehicle at an acquaintance's house and did not return to pick it up.
7 Appellant noticed his former vehicle gone from his acquaintance's home sometime in 2014.
8 Appellant did not report the vehicle stolen at this time. Approximately a year later, Appellant
9 noticed the vehicle in the possession of Appellee and reported it stolen with the Lake County
10 Sheriff's Office on April 20, 2015. Lake County, through its investigation, determined the
11 vehicle to be an abandoned vehicle, and informed Appellant that he would need to file a civil suit
12 to seek redress. A civil suit for repossession was filed with the Tribal Court on May 20, 2015.
13 The matter was set for hearing before the Tribal Court on July 7, 2015. The Tribal Court heard
14 arguments from both Appellant and Appellee acting *pro se*. During the hearing, and pertinent to
15 this decision, the Tribal Court refused written statements from purported witnesses of the
16 Appellant. This being because the statements were hearsay and therefore inadmissible without
17 the proper legal support or foundation. The statements were not in the form of sworn affidavits
18 or otherwise admissible testimony. The Tribal Court took the matter under advisement and on
19 July 22, 2015 determined that the vehicle was an abandoned vehicle and that the Appellee held
20 title to the vehicle legally according to the evidence presented to the Court. The Tribal Court
21 also made a finding that the Appellee was the wrong party to pursue for redress. This appeal was
22 filed on August 19, 2015.

1 there may be more to the story than what was presented, no admissible evidence was presented
2 to the Tribal Court that would indicate Appellee did anything illegal in his acquisition of the
3 vehicle at issue. The Tribal Court was correct in determining that Appellee was not a proper
4 party with the evidence presented to it. At oral argument, Appellant indicated to this Court that
5 he had indeed, filed suit against other more appropriate parties in this matter. The Appellant is
6 free to pursue those remedies.

7
8 **2. Did the Tribal Court abused its discretion by not allowing proposed written**
9 **statements from Appellant at the time of hearing.**

10 A review of the record indicates that the written statements offered by Appellant were
11 hearsay documents. The documents were purportedly statements made by several people not
12 present in Court on the day of the hearing. Appellant provided no witnesses to support or
13 otherwise lay foundation for the statements. The Tribal Court did not abuse its discretion in
14 refusing such statements. Therefore, it did not abuse its discretion in denying admission of the
15 written statements in question.

16
17 **CONCLUSION**

18 For the aforementioned reasoning we AFFIRM the trial court on both issues presented in
19 this Appeal.

1 Dated this 24th day of May, 2016.



Joshua C. Morigeau

JOSHUA C. MORIGEAU
Associate Justice

Eldena Bear Don't Walk, LL.M.

ELDENA BEAR DON'T WALK
Chief Justice

Robert McDonald

ROBERT MCDONALD
Associate Justice

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OPINION

Certificate of Mailing

I, Abigail Dupuis, Appellate Court Administrator, do hereby certify that I mailed a true and correct copy of the Opinion and Order to the persons first named therein at the addresses shown below by depositing same in the U.S. Mail, postage prepaid at Pablo, Montana, this 1st day of June, 2016.

**Clifford Burke, Jr.
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34691 E. Post Creek Road
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Clerk of the Tribal Court
P.O. Box 278
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A handwritten signature in black ink that reads "Abigail Dupuis". The signature is written in a cursive style with a horizontal line drawn through the middle of the letters.

**Abigail Dupuis
Appellate Court Administrator**